

Article 16.

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER:

A zoning administrator shall administer and enforce this ordinance. He or she may be provided with assistance of such other persons as the Legislative Body directs.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he or she shall take such action as is permitted by law. Moreover, it shall be illegal for any person or entity to interfere with any employee of the Grant County Planning and Zoning Commission in carrying out the duties assigned by the Grant County Planning and Zoning Commission. Provided, however, that no agent of the Grant County Planning and Zoning Commission shall enter upon any private lands within Grant County, Kentucky without first obtaining permission of the owner of such property or pursuant to a legally obtained search warrant.

In addition to the foregoing, the zoning administrator shall have authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto and discontinuance of any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the zoning administrator, and such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator, and recourse from the decisions of the board of adjustment shall be to the courts, as provided by law.

Any investigation, charge or complaint which originated with or arises out of a complaint by a person other than the Administrator shall not be commenced until the complaint has been reduced in writing and signed by the complaining witness, provided, however this should not be construed to prohibit the administrator from initiating or investigating a complaint without having first received a complaint by another person.

SECTION 16.1 ZONING PERMITS:

Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No land shall be used or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the zoning administrator. No zoning permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.

B. APPLICATION FOR ZONING PERMITS: All applications for zoning permits shall be accompanied by:

1. The deed for the property or an approved plat
2. A completed application form provided by the zoning administrator (in duplicate - see Appendix "B").
3. The required fee for a zoning permit as provided for in Section 16.1 of this ordinance.
4. An approved development plan or site plan, if required by this ordinance; or
5. A plot plan in duplicate drawing at a scale of not less than one (1) inch to fifty (50) feet, showing the following information as required by this ordinance.
 - a. The location of every existing and proposed building, including dimensions and height, and the number, size, and type of dwelling units.
 - b. All property lines, shape and dimensions of the lot to be built upon.
 - c. Lot width at building setback line.
 - d. Minimum front and rear yard depths and side yard widths.
 - e. Existing topography with a maximum of five-foot contour intervals.
 - f. Total lot area in square feet.
 - g. Location and dimensions of all access points, driveways, off-street parking spaces.
 - h. A drainage plan of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
 - i. All sidewalks, walkways and open spaces.
 - j. Location, type and height of all walls, fences and screen plantings.
 - k. Location of all existing and proposed streets, including rights-of-way and pavement widths and location of all easements of record.

All existing and proposed water and sanitary and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.

C. ISSUANCE OF ZONING PERMIT: The zoning administrator shall either approve or disapprove the application (when required by this ordinance—e.g., Development Plan submitted when required—the planning commission, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the zoning administrator's signature. The zoning administrator shall retain the other copy, similarly marked. All decisions (approved and disapproved) shall be reported to the legislative body each month.

If approved, one (1) copy of the submitted plans shall be returned to the applicant, marked "approved". Such approval shall be attested by the zoning administrator's signature. The zoning administrator shall retain the other copy similarly marked. The zoning administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 16.8 of this ordinance.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the zoning administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

SECTION 16.2 CERTIFICATE OF OCCUPANCY:

It shall be unlawful for an owner to use or permit the use of any building or land or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy which shall be a part of the building permit, shall have been issued by the building inspector. Such certificate shall show that such building or land or part thereof and the proposed use thereof are in conformity with the provisions of his ordinance. It shall be the duty of the building inspector to issue a certificate of occupancy, provided that he has checked and is satisfied that the building and the proposed use thereof conform to all the requirements of this ordinance and the building code.

SECTION 16.3 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING:

Upon written request from the fee owner, the building inspector shall issue a certificate of occupancy for any building or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or land, and whether such use conforms with the provisions of this ordinance.

SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR LAWFUL NON-CONFORMING USES AND STRUCTURES:

A certificate of occupancy shall be required of all lawful non-conforming uses of land or buildings created by this ordinance. A fee as provided for in Section 16.5 of this ordinance shall be charged for said certificate.

Applications for such certificates of occupancy for non-conforming uses of land and buildings shall be filed with the building inspector by the owner or lessee of the land or building occupied by such non-conforming uses within six (6) consecutive calendar months of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this ordinance.

It shall be the duty of the building inspector to issue a certificate of occupancy for lawful non-conforming uses upon application and such certificate shall identify the extent to which the non-conforming use exists at the time of issuance of such certificate.

SECTION 16.5 DENIAL OF CERTIFICATE OF OCCUPANCY:

Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance and to plans for which the building permit was issued.

SECTION 16.6 CERTIFICATE OF OCCUPANCY RECORDS:

A record of all certificates of occupancy shall be kept on file in the offices of the building inspector and copies shall be furnished, on request, to any person having a proprietary building affected by such certificate of occupancy.

SECTION 16.7 COMPLAINTS REGARDING VIOLATIONS:

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and bases thereof shall be filed with the zoning administrator. The zoning administrator shall record properly such complaint, investigate same within five (5) working days, and take action thereon as provided by this ordinance and the Kentucky Revised Statutes.

SECTION 16.8 PENALTIES:

Any person or entity that violates any of the provisions of this ordinance shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

SECTION 16.9 INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS:

It is the intent of this ordinance that:

- A. Where investigation can be made by the zoning administrator or other designated employee, using equipment normally available to the legislative body, such investigation shall be so made before notice of violation is issued.
- B. Where technical complexity, non-availability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the Zoning Administrator, for the legislative body to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
 - 1. Causing corrections in apparent violations of performance standards;

2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations; and
 3. For protecting the general public from unnecessary costs for administration and enforcement.
- C. If the Zoning Administrator finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he shall take or cause to be taken lawful action to cause correction to, within limits set by such performance standards.
- D. Any investigation, charge, or complaint which originates with or arises out of a complaint by a person other than the Administrator shall not be commenced until the complaint has been reduced to writing and signed by the complaining witness, provided, however, this should not be construed to prohibit the administrator from initiating or investigating a complaint without having first received a complaint by another person.

SECTION 16.10 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS:

- A. If, in the judgment of the Zoning Administrator, there is probable violation of the performance standards as set forth, the following procedures shall be followed:
1. In the event that said violation is of Section 16.1 or 16.2 of this Ordinance the Zoning Administrator shall issue a "Cease and Desist Order" restraining and enjoining all uses in violation of the said zoning regulation and which are directed contrary to the public welfare. Every Order shall be specific in terms and shall describe in reasonable detail the violation for which the said Order is issued, and the act or use to be restrained or enjoined.
 2. Every Cease and Desist Order shall be endorsed with the date and hour of issuance, shall be signed by the Zoning Administrator.
 3. A copy of the Cease and Desist Order shall forthwith be delivered, by the Zoning Administrator, by hand, upon the owner of the property, which is the subject of the said violation, and upon the resident of the said property, if they are not the same.
 4. The Cease and Desist Order shall become effective and binding upon the party served at the time of service or when he is informed of the Order, whichever is earlier. Said Order shall remain in force until, and not after, an appeal is filed with the Board of Adjustment, pursuant to Section 18.2 of this Ordinance, provided, however, that upon a final determination upholding the enforceability of the Cease and Desist Order, the party appealing there from shall be subject to the provisions of Section 16.8 of this Ordinance as well as any other penalties of remedies, available to the Planning Commission, as provided by law.
- B. In the event that said violation is one other than that provided for in Subsection A of this Section, the following procedure shall be followed:
1. The Zoning Administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reason why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the

satisfaction of the Zoning Administrator within fifteen (15) consecutive calendar days of receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within fifteen (15) consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this Ordinance.

2. The notice shall further state that upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the legislative body.
3. If there is no reply within fifteen (15) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such action as may be warranted.
4. If there is no reply within fifteen (15) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the established time limit, he shall proceed to take or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.
5. If a reply is received within fifteen (15) consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator, but requesting additional time, the Zoning Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
6. If a reply is received within fifteen (15) consecutive calendar days of receipt of said notice requesting technical determination as provided in this Ordinance, the Zoning Administrator shall call in properly qualified experts to investigate and determine whether violations exist.

If expert findings indicate violations of the performance standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations in addition to such other penalties as may be appropriate under the terms of Section 16.8 of the Ordinance.

If no violation is found, the costs of the investigations shall be paid by the legislative body without assessment against the properties of persons involved.